MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2016/2017

UDL3612 – LAND LAW I

(All Sections / Groups)

19 OCTOBER 2016
Reading Time : 2.30 p.m. – 2:45 p.m.
(15 Minutes)
Answering Time: 2:45 p.m. – 5:45 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in the question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions only.

3. This Question paper consists of 2 sections. Attempt ONE question only in **Section A** and all THREE questions in **Section B.** All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into the Examination Hall CLEAN and ORIGINAL copy of: (i) **National Land Code 1965 (Act 56 of 1965)**; (ii) **Strata Titles Act 1985 (Act 318)**; (iii) **Strata Management Act 2013 (Act 757)**; and (iv) **Land Acquisition Act 1960 (Act 486)**.
   Students are not allowed to lend or borrow statute(s) during the Examination.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer one Question only)

QUESTION 1

(a) "In our view, s 206(3) of the Code contains an express provision which states that the provisions of the Code requiring a dealing to be effected in the statutorily prescribed manner shall not '... affect the contractual operation of any transaction relating to alienated land or any interest therein'. This provides statutory authority for the liberal application of equity whenever there is a basis for that ..."

Kimlin Housing Development Sdn. Bhd. (Appointed receiver and manager) (In liquidation) v Bank Bumiputra (M) Bhd. & Ors
[1997] 2 MLJ 805 SC, as per Edgar Joseph Jr. FCJ at 823-824

With reference to relevant case authority, explain the pre-conditions in order to trigger the court's jurisdiction to apply equity liberally, based on section 206(3) of the National Land Code 1965.

(15 marks)

(b) Explain the differences between "joint tenancy" and "tenancy in common" in the aspect of land ownership in Malaysia.

(10 marks)

(Total: 25 marks)

OR

QUESTION 2

(a) Dodo, Remi and Fafa are the registered proprietors of a piece of land inherited from their mother. There are three separate houses erected on that land. Dodo, Remi and Fafa each own ½, ¼ and ¼ undivided shares respectively over the piece of land.

A dispute arises after Dodo marries Lily, and Dodo wishes to end the co-ownership. Explain to Dodo on the process by which he may do so.

Advise Dodo if Fafa refuses to give consent to the process to be adopted by Dodo.
(15 marks)

Continued...

QUESTION 2

(b) "A registered proprietor of an alienated land has exclusive but not absolute rights over his land under the National Land Code 1965."

Discuss to what extent a registered proprietor may enjoy the right of air space in Peninsular Malaysia.

(10 marks)

(Total: 25 marks)

SECTION B (Answer all THREE questions)

QUESTION 3

(a) Ah Leng has been occupying a piece of land in Bukit Beruang under a Temporary Occupation Licence (TOL) for the past 10 years. He erected a double storey building and grew some fruit trees on the land. He rented out the lower ground of the building to Lee Woon who runs a Kopitiam business.

In June 2015, he submitted an application to the Land Administrator for the alienation of the land to him. He was assured that his application would be approved.

In July 2015, Ah Leng entered into an agreement with Thiong to sell the land for RM100,000. Thiong paid RM10,000 as a deposit and balance of the purchase price was to be paid upon approval of alienation. In April 2016, Ah Leng was informed that his application has been rejected.

In May 2016, Ah Leng made an application to renew the licence but it was rejected.

Solve the following, treating each separately:

i) Ah Leng is not happy with the decision of the State Authority and claims that as a TOL holder for the past 10 years, the State Authority must renew his licence. He has decided to take action against the State Authority. Advise him. (10 marks)

ii) Advise Ah Leng whether he can rent out the lower ground of the building to Lee Woon? (5 marks)

iii) Advise Ah Leng whether he can sell the land to Thiong? (5 marks)

Continued...

QUESTION 3

(b) Puri Hotel has developed a block of 15 storey service apartments in the vicinity of Pantai Cahaya which is within a walking distance from the beach. For security purposes, Puri Hotel fenced its property. As a result, it blocked the access to the waterfront facing its property from the adjacent lots.

Members of the public lodged several complaints to the management of the property stating that the fence has prevented access to the beach. However, there is another route to the beach but the route through the compound of Puri Hotel is the shortest, safest and the most convenient access to the beach.

Sani, as a member of the public wishes to apply for the creation of a Land Administrator's Right of Way (LAROW) under section 390 of the National Land Code 1965.

Based on the above circumstances, assuming that you are the Land Administrator, decide whether a LAROW should be granted to Sani.

(5 marks)

(Total: 25 marks)

QUESTION 4

(a)

No.	Lot No.	Area	Category	Location	Duration	Surveyed
1	123	6,500 square feet	Agriculture	Mukim Rambutan	In perpetuity	Yes
2	456	5 hectares	Building	Kuala Lumpur	In perpetuity	No
3	789	3 hectares	Building	Mukim Papaya	Lease 99 years	No
4	321	9,000 square feet	Industry	Shah Alam	Lease 60 years	Yes

With reference to the table above-

(i) Determine whether each of the titles is a final or qualified title. (4 marks)
(ii) Identify whether each of the titles is a Registry title or Land Office title (and in which name and prescribed Form). (8 marks)

Your answer shall be supported by relevant statutory provisions.

Continued...

QUESTION 4

(b) Ascertain the significant improvement on law and procedure made in the 2013 amendments to the Strata Titles Act 1985 on the application for issuance of strata titles.

(13 marks)

(Total: 25 marks)

QUESTION 5

(a) In the light of the case *Ng Kim Moi (P) & Ors v Pentadbir Tanah Daerah, Seremban, Negeri Sembilan Darul Khusus (Negeri Sembilan Township Sdn. Bhd. & Anor, proposed intervenors)* [2004] 3 MLJ 301 and any relevant provision from statutes, show the procedure of land acquisition in Malaysia.

(20 marks)

(b) Briefly show whether the landowner has the right to be heard during the land acquisition procedure.

(5 marks)

(Total: 25 marks)

End of Page